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Attorneys for Plaintiff and Real Party in Interest

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL CHURCH

FOURSQUARE GOSPEL,

Plaintiff,

v.

CITY OF SAN LEANDRO, MICHAEL

J. GREGORY (in his official capacity),

SURLENE G. GRANT(in her official

capacity), DIANA M. SOUZA(in her

official capacity), JOYSE R.

STAROSCIACK (in her official

capacity), BILL STEPHES (in his

) Case No.: CO7-03605-PJH-JCS

)

) **THE DECLARATION OF DAN E.
MCNELY IN SUPPORT OF
MOTION FOR PRELIMINARY
INJUNCTION**

)

)

) Date: September 5, 2007

) Time: 9:00 a.m.

) Courtroom: 3

) Hon.: Phyllis J. Hamilton

1 official capacity), JIM PROLA (in his)
2 official capacity), JOHN JERMANIS(in)
3 his official and individual capacities),)
4 DEBBIE POLLART (in her official and)
5 individual capacities), DOES 1-50,)
6 Defendants.)
7

8 FAITH FELLOWSHIP FOURSQUARE)
9 CHURCH,)
10)
11 Real Party in Interest.)
12

13 I, Dan E. McNely, do hereby declare as follows:

14 1. That if called upon, I could and would testify truthfully, as to my own
15 personal knowledge, as follows:

16 2. McNely Construction Company, located at 1040 Davis Street, Suite
17 203, San Leandro, California 94577-1007, California State Contractors License No.
18 461594, has been in business for 49 years. I am the owner of this company. We
19 have a long history of converting existing properties for one use into a different
20 occupancy. We also have a long history of many church and private school projects.
21 Exhibit F is a completed project list of which I certify is a true and correct list of
22 comparable projects that my company has completed.

23 3. I am familiar with the Catalina Property that is the subject of this
24 litigation. Based upon my experience in the field, I estimate that a reasonable
25 budget for standard upgrades would be roughly \$250,000.00 for temporary assembly
26
27
28

DECLARATION DAN E. MCNELY

1 use. These upgrades include improvements to bring the building into compliance
2 with the California Building Code for assembly use and make the structure current
3 with all ADA, health, safety and emergency standards.
4

5 4. This figure is based on our job site inspections with subcontractors and
6 my estimator, and our previous project experience with related projects. This figure
7 also includes permit and safety code inspection costs. The tasks performed to base
8 this estimate on were done at my direction.
9

10 I declare, under penalty of perjury under the laws of the State of California
11 and the United States of America, that the foregoing is true and correct and is of my
12 own personal knowledge, and indicate such below by my signature executed on this
13 22nd day of August, 2007, in the County of Alameda, City of San Leandro.
14

15
16 /S/ Dan McNely
17 Dan McNely, Declarant
18

19 **Attorney Attestation re Signature**

20 I hereby attest that I have on file all holograph signatures for any signatures
21 indicated by a "conformed" signature (/S/) within this efiled document.
22

23 /S/ Kevin Snider
24 Kevin T. Snider
25 Mathew B. McReynolds
26 Peter D. MacDonald
27 Attorneys for Plaintiff and
28 Real Party in Interest